

REMARKS

The Examiner is thanked for the thorough examination of the present application. The Office Action mailed October 19, 2006, however, tentatively rejected claims 1-20 and 22-25. This is a full and timely response to that outstanding Office Action. Upon entry of the amendments in this response, claims 1-20 and 22-25 are pending. More specifically, claims 1-3, 7-10, 12, 14-16, 18, 19, 23-26, 28-31, 34, and 35 are amended. These amendments are specifically described hereinafter.

I. Present Status of Patent Application

Claims 1-3, 6-10, 12, 14, 16-19, 23-25, 27, 29, 32, and 34 are rejected under 35 U.S.C 103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) in view of *Troen-Krasnow, et al* (U.S. Patent No. 6,442,250). Claim 4 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) in view of *Troen-Krasnow* (U.S. Patent No. 6,442,250) in further view of *Chuah, et al* (U.S. Patent No. 6,400,722). Claim 5 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) in view of *Troen-Krasnow* (U.S. Patent No. 6,442,250) in further view of *Kozdon, et al* (U.S. Patent No. 6,456,601). Claim 11 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) in view of *Troen-Krasnow* (U.S. Patent No. 6,442,250) in further view of *Rogers* (U.S. Patent No. 6,301,484). Claims 13, 20, and 22 are rejected under 35 U.S.C. 103 (a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) in view of *Troen-Krasnow* (U.S. Patent No. 6,442,250) in further view of *Bookspan, et al* (U.S. Patent No. 6,636,888). Claims 15, 26, and 30 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) in view of *Troen-Krasnow* (U.S. Patent No. 6,442,250) in further view of *Lewis* (U.S. Patent No. 6,513,019). Claims 28 and 31 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) in view of *Troen-Krasnow* (U.S. Patent No. 6,442,250) in further view of *Ooe* (U.S. Patent No. 6,330,238). Claims 33 and 35 are rejected under 35

U.S.C. 103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) in view of *Troen-Krasnow* (U.S. Patent No. 6,442,250) in further view of *Lewis* (U.S. Patent No. 6,513,019) in further view of *Bookspan, et al* (U.S. Patent No. 6,636,888). These rejections are respectfully traversed.

II. Examiner Interview

Applicant first wishes to express sincere appreciation for the time that Examiner Gold spent with Applicant's representative Benjie Balser during a November 28, 2006 telephone discussion regarding the above-identified Office Action. During the interview, various features described in the patent application and recited in the independent claims, including non-email broadcast messaging software, and *Troen-Krasnow* were discussed, and that the outcome of this discussion is addressed herein. During that conversation, Examiner Gold seemed to indicate that it would be potentially beneficial for Applicant to file this amendment and response. Thus, Applicant respectfully requests that Examiner Gold carefully consider this amendment and response.

III. Rejections Under 35 U.S.C. §103(a)

A. Claims 1-15

Claims 1-3, 6-10, 12, and 14 are rejected under 35 U.S.C 103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) in view of *Troen-Krasnow, et al* (U.S. Patent No. 6,442,250). Claim 4 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) in view of *Troen-Krasnow* (U.S. Patent No. 6,442,250) in further view of *Chuah, et al* (U.S. Patent No. 6,400,722). Claim 5 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) in view of *Troen-Krasnow* (U.S. Patent No. 6,442,250) in further view of *Kozdon, et al* (U.S. Patent No. 6,456,601). Claim 11 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) in view of *Troen-Krasnow* (U.S. Patent No. 6,442,250) in further

view of *Rogers* (U.S. Patent No. 6,301,484). Claim 13 is rejected under 35 U.S.C. 103 (a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) in view of *Troen-Krasnow* (U.S. Patent No. 6,442,250) in further view of *Bookspan, et al* (U.S. Patent No. 6,636,888). Claim 15 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) in view of *Troen-Krasnow* (U.S. Patent No. 6,442,250) in further view of *Lewis* (U.S. Patent No. 6,513,019). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 1, as amended, recites:

1. A method for sending electronic mail from a client operating within a client-server architecture, the method comprising:
 - (a) **provisioning the client with client non-email broadcast text messaging software;**
 - (b) provisioning a server with server non-email broadcast text messaging software, wherein the server is in communication with the client;
 - (c) broadcasting from the client a text message in a format of the non-email broadcast text messaging software, wherein the text message contains the electronic mail;
 - (d) receiving the text message at the server;
 - (e) reformatting the text message from the format of the non-email broadcast text messaging software to a format compatible with an email server; and
 - (g) forwarding the reformatted text message to the email server; wherein broadcasting includes transmitting a text message from a single network component to all components on a network. (Emphasis added).

For a proper rejection of a claim under 35 U.S.C. §103, the cited combination of references must disclose, teach, or suggest all elements/features/steps of the claim at issue. *See, e.g., In re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988) and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981). Applicant respectfully submits that independent claim 1 is allowable for at least the reason that the combination of *Brown* and *Troen-Krasnow* does not disclose, teach, or suggest at least **provisioning the client with client non-email broadcast text messaging software**. *Troen-Krasnow* discloses transmitting messages to groups of message recipients. *Brown*

discloses a method for mapping from a unique identifier, such as a telephone number, to an electronic address, such as an email address. Even if, *arguendo*, *Brown* discloses voice messaging software, it does not disclose non-email broadcast text messaging software. *Troen-Krasnow* fails to cure this deficiency.

As the cited combination of references does not disclose, teach, or suggest, either implicitly or explicitly, all the elements of claim 1, the rejection should be withdrawn. Additionally and notwithstanding the analysis hereinabove, there are other reasons why claim 1 is allowable.

Because independent claim 1 is allowable over the cited references of record, dependent claims 2-14 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that dependent claims 2-14 contain all the steps/features of independent claim 1. See *Minnesota Mining and Manufacturing Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002) *Jeneric/Pentron, Inc. v. Dillon Co.*, 205 F.3d 1377, 54 U.S.P.Q.2d 1086 (Fed. Cir. 2000); *Wahpeton Canvas Co. v. Frontier Inc.*, 870 F.2d 1546, 10 U.S.P.Q.2d 1201 (Fed. Cir. 1989). Therefore, the rejection to claims 2-14 should be withdrawn and the claims allowed.

Additionally, with regard to the rejection of claim 4, *Chuah* does not make up for the deficiencies of *Brown* and *Kroen-Trasnow* noted above. With regard to claim 5, *Kozdon* does not make up for the deficiencies of *Brown* and *Kroen-Trasnow* noted above. With regard to claim 11, *Rogers* does not make up for the deficiencies of *Brown* and *Kroen-Trasnow* noted above. With regard to claim 13, *Bookspan* does not make up for the deficiencies of *Brown* and *Kroen-Trasnow* noted above. With regard to claim 15, *Lewis* does not make up for the deficiencies of *Brown* and *Kroen-Trasnow* noted above. Therefore, claims 4, 5, 11, 13, and 15 are considered patentable over any combination of these documents.

B. Claims 16-20 and 22-28

Claims 16-19, 23-25, and 27 are rejected under 35 U.S.C 103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) in view of *Troen-Krasnow, et al* (U.S. Patent No. 6,442,250). Claims 20 and 22 are rejected under 35 U.S.C. 103 (a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) in view of *Troen-Krasnow* (U.S. Patent No. 6,442,250) in further view of *Bookspan, et al* (U.S. Patent No. 6,636,888). Claim 26 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) in view of *Troen-Krasnow* (U.S. Patent No. 6,442,250) in further view of *Lewis* (U.S. Patent No. 6,513,019). Claim 28 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) in view of *Troen-Krasnow* (U.S. Patent No. 6,442,250) in further view of *Ooe* (U.S. Patent No. 6,330,238). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 16 recites:

16. A system for sending an electronic mail from a client in a client-server architecture, the system comprising:

(a) **a plurality of clients, wherein each client of the plurality of clients contains client non-email broadcast text messaging software**, data processing software, and a client application program interface, and wherein each client is in communication with the plurality of clients;

(b) a non-email text messaging server in communication with the plurality of clients, wherein the non-email text messaging server contains server non-email broadcast text messaging software and an email application program interface, wherein the email application program interface is adapted to receive a text message containing the electronic mail and reformat the text message from a format compatible with the server non-email broadcast text messaging software to a format compatible with an email server; and

(c) an email server in communication with the text messaging server; wherein the broadcast text messaging software is configured to transmit a text message from a single network component to all components on a network. (Emphasis added).

For a proper rejection of a claim under 35 U.S.C. §103, the cited combination of references must disclose, teach, or suggest all elements/features/steps of the claim at

issue. Applicant respectfully submits that independent claim 16 is allowable for at least the reason that the combination of *Brown* and *Troen-Krasnow* does not disclose, teach, or suggest at least a **plurality of clients, wherein each client of the plurality of clients contains client non-email broadcast text messaging software**. *Troen-Krasnow* discloses transmitting messages to groups of message recipients. *Brown* discloses a method for mapping from a unique identifier, such as a telephone number, to an electronic address, such as an email address. Even if, *arguendo*, *Brown* discloses voice messaging software, it does not disclose non-email broadcast text messaging software. *Troen-Krasnow* fails to cure this deficiency.

As the cited combination of references does not disclose, teach, or suggest, either implicitly or explicitly, all the elements of claim 16, the rejection should be withdrawn. Additionally and notwithstanding the analysis hereinabove, there are other reasons why claim 16 is allowable.

Because independent claim 16 is allowable over the cited references of record, dependent claims 17-20 and 22-28 (which depend from independent claim 16) are allowable as a matter of law for at least the reason that dependent claims 17-20 and 22-28 contain all the steps/features of independent claim 16. Therefore, the rejection to claims 17-20 and 22-28 should be withdrawn and the claims allowed.

Additionally, with regard to claim 20 and 22, *Bookspan* does not make up for the deficiencies of *Brown* and *Kroen-Trasnow* noted above. With regard to claim 26, *Lewis* does not make up for the deficiencies of *Brown* and *Kroen-Trasnow* noted above. With regard to claim 28, *Ooe* does not make up for the deficiencies of *Brown* and *Kroen-Trasnow* noted above. Therefore, claims 20, 22, 26, and 28 are considered patentable over any combination of these documents.

C. Claims 29-33

Claims 29 and 32 are rejected under 35 U.S.C 103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) in view of *Troen-Krasnow, et al* (U.S. Patent No. 6,442,250). Claims 30 is rejected under 35 U.S.C. 103(a) as allegedly

being unpatentable over *Brown* (U.S. Patent No. 6,014,711) in view of *Troen-Krasnow* (U.S. Patent No. 6,442,250) in further view of *Lewis* (U.S. Patent No. 6,513,019). Claim 31 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) in view of *Troen-Krasnow* (U.S. Patent No. 6,442,250) in further view of *Ooe* (U.S. Patent No. 6,330,238). Claim 33 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) in view of *Troen-Krasnow* (U.S. Patent No. 6,442,250) in further view of *Lewis* (U.S. Patent No. 6,513,019) in further view of *Bookspan, et al* (U.S. Patent No. 6,636,888). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 29 recites:

29. A method for sending an electronic mail comprising:
- (a) **broadcasting from a client computer a text message in a broadcast format, wherein the text message contains the electronic email**, wherein the client computer is part of a client-server architecture, and wherein the client computer does not have electronic mail software;
 - (b) receiving the text message at a server computer of the client-server architecture;
 - (c) reformatting the text message from the broadcast format to an email format; and
 - (d) forwarding the reformatted text message to an email server that is compatible with the email format;
- wherein broadcasting includes transmitting a text message from a single component on a network.
(Emphasis added).

For a proper rejection of a claim under 35 U.S.C. §103, the cited combination of references must disclose, teach, or suggest all elements/features/steps of the claim at issue. Applicant respectfully submits that independent claim 29 is allowable for at least the reason that the combination of *Brown* and *Troen-Krasnow* does not disclose, teach, or suggest at least **broadcasting from a client computer a text message in a broadcast format, wherein the text message contains the electronic email**. *Troen-Krasnow* discloses transmitting messages to groups of message recipients. *Brown* discloses a method for mapping from a unique identifier, such as a

telephone number, to an electronic address, such as an email address. Even if, *arguendo*, *Brown* discloses voice messaging software, it does not disclose non-email broadcast text messaging software. *Troen-Krasnow* fails to cure this deficiency.

As the cited combination of references does not disclose, teach, or suggest, either implicitly or explicitly, all the elements of claim 29, the rejection should be withdrawn. Additionally and notwithstanding the analysis hereinabove, there are other reasons why claim 29 is allowable.

Because independent claim 29 is allowable over the cited references of record, dependent claims 30-33 (which depend from independent claim 29) are allowable as a matter of law for at least the reason that dependent claims 30-33 contain all the steps/features of independent claim 29. Therefore, the rejection to claims 30-33 should be withdrawn and the claims allowed.

Additionally, with regard to claim 30, *Lewis* does not make up for the deficiencies of *Brown* and *Kroen-Trasnow* noted above. With regard to claim 31, *Ooe* does not make up for the deficiencies of *Brown* and *Kroen-Trasnow* noted above. With regard to claim 33, Neither *Lewis* nor *Bookspan* makes up for the deficiencies of *Brown* and *Kroen-Trasnow* noted above. Therefore, claims 30, 31, and 33 are considered patentable over any combination of these documents.

D. Claims 34-35

Claim 34 is rejected under 35 U.S.C 103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) in view of *Troen-Krasnow, et al* (U.S. Patent No. 6,442,250). Claim 35 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) in view of *Troen-Krasnow* (U.S. Patent No. 6,442,250) in further view of *Lewis* (U.S. Patent No. 6,513,019) in further view of *Bookspan, et al* (U.S. Patent No. 6,636,888). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 34 recites:

34. A system for sending an electronic mail from a client in a client-server architecture, the system comprising:

(a) **means for broadcasting from a client computer a text message in a non-email broadcast format**, wherein the text message contains the electronic email, wherein the client computer is part of a client-server architecture;

(b) means for receiving the text message at a server computer of the client-server architecture;

(c) means for reformatting the text message from the non-email broadcast format to an email format; and

(e) means for forwarding the reformatted text message to an email server that is compatible with the email format;

wherein broadcasting includes transmitting a text message from a single network component to all components on a network.
(Emphasis added).

For a proper rejection of a claim under 35 U.S.C. §103, the cited combination of references must disclose, teach, or suggest all elements/features/steps of the claim at issue. Applicant respectfully submits that independent claim 34 is allowable for at least the reason that the combination of *Brown* and *Troen-Krasnow* does not disclose, teach, or suggest at least **means for broadcasting from a client computer a text message in a non-email broadcast format**. *Troen-Krasnow* discloses transmitting messages to groups of message recipients. *Brown* discloses a method for mapping from a unique identifier, such as a telephone number, to an electronic address, such as an email address. Even if, *arguendo*, *Brown* discloses voice messaging software, it does not disclose non-email broadcast text messaging software. *Troen-Krasnow* fails to cure this deficiency.

As the cited combination of references does not disclose, teach, or suggest, either implicitly or explicitly, all the elements of claim 34, the rejection should be withdrawn. Additionally and notwithstanding the analysis hereinabove, there are other reasons why claim 34 is allowable.

Because independent claim 34 is allowable over the cited references of record, dependent claim 35 (which depends from independent claim 34) is allowable as a matter of law for at least the reason that dependent claim 35 contains all the

steps/features of independent claim 34. Therefore, the rejection to claim 35 should be withdrawn and the claim allowed.

Additionally, with regard to claim 35, *Bookspan* does not make up for the deficiencies of *Brown* and *Kroen-Trasnow* noted above. Therefore, claim 35 is considered patentable over any combination of these documents.

IV. Miscellaneous Issues

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-20 and 22-35 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

It is believed that no extensions of time or fees for net addition of claims are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to deposit account No. 20-0778.

Respectfully submitted,

/BAB/

Benjamin A. Balser, Reg. No. 58,169

**THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, L.L.P.**
Suite 1750
100 Galleria Parkway N.W.
Atlanta, Georgia 30339
(770) 933-9500

Customer No.: 38823